

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JONATHAN BREWER,

Plaintiff,

Vs.

No. 2:06 cv-02372-MaV

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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DOROTHY BLANKENSHIP,
EFFIE S. BREWER,
MATTHEW BREWER
AND
MATTIE BREWER,

Plaintiffs,

Vs.

No. 2:06-cv-02373-MaV

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO COMPEL
ANSWERS TO DISCOVERY

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Come the Plaintiffs, Dorothy Blankenship, Effie S. Brewer, Matthew Brewer and Mattie Brewer, by counsel, who, for their Response to Defendant's Motion to Compel Answers to Discovery and draft Order provided to the Court granting same, would state:

1. That the first notice Plaintiffs' counsel had of a filing of a Motion to Compel was an email on July 9, 2008 from John McCann providing a copy of an Order to the Court purporting to grant same.

2. That Plaintiffs' counsel regularly receives email through the ECF system on this case via his AOL email address and is powerless to explain the glitch. Nonetheless, Plaintiffs brought this matter to the attention of Mr. McCann immediately upon receipt of his draft Order asking him what this was or what this was about.

3. Thereafter, on July 10, 2008, a copy of the Motion to Compel was provided by email to Mark Ledbetter from John McCann. On Thursday, July 10, 2008, Mark Ledbetter was in Grenada, Mississippi all day in depositions in Spencer v. Stanley; that on Friday, July 11, 2008, Mark Ledbetter is in court on Motions in Turgeon v. Alberici, in Shelby County Circuit Court. The instant Response is not for the purpose of delay.

4. Plaintiffs' counsel did not have any sort of serious consultation with opposing counsel relative to the filing of the Motion to Compel, contrary to the assertion set forth in the Motion.

5. That Plaintiffs' counsel will need until July 25, 2008, to compile and serve Plaintiffs' answers or responses.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS asks that any Order granted on the Motion allow until July 25, 2008.

Respectfully submitted,

/s/Mark Ledbetter

TN # 17637 AR#74175

254 Court-Suite 305
Memphis, TN 38103
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing via ECF filing system in this Court and cause, this 11th day of July, 2008 to the following:

John R. McCann, Esq.
Burch, Porter & Johnson
130 North Court Avenue
Memphis, TN 38103

/s/Mark Ledbetter